

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

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Clerk

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Filed: December 29, 2014

Mr. Thomas A. Benson
U.S. Department of Justice
Environment & Natural Resources Division
P.O. Box 7611
Washington, DC 20044

Re: Case No. 14-2274, *USA v. DTE Energy Company, et al*
Originating Case No. : 2:10-cv-13101

Dear Counsel,

The brief which you submitted to the court does not comply with the Federal Rules of Appellate Procedure or Sixth Circuit Rules - the specific item or items to be corrected have been marked **X** on the enclosed checklist.

The corrected brief must be filed by **January 5, 2015**. For docketing purposes when filing the corrected briefs, select the Event Category of "Briefing", followed by "corrected brief". If you have any questions, please contact the clerk's office for assistance.

Sincerely yours,

s/Michelle M. Davis
Case Manager
Direct Dial No. 513-564-7025

cc: Mr. Mark B. Bierbower
Mr. F. William Brownell
Mr. Makram Bassam Jaber
Mr. Harry Margerum Johnson III
Mr. Matthew J. Lund
Mr. Brent Rosser
Mr. George Peter Sibley III
Mr. Michael J. Solo Jr.

Enclosure

CHECKLIST FOR BRIEFS

ECF FUNDAMENTALS:

- ☐ Briefs filed ECF unless filer is pro se or attorney with a waiver for ECF filings
- ☐ PDF format required
- ☐ Native PDF format strongly preferred
- ☐ In consolidated cases (excluding cross-appeals), appellants should **un-check** the case number(s) that is/are not their case. The appellant's brief should appear only on the docket of his/her specific appeal.
- ☐ Parties who have joined in a notice of appeal shall file a single brief. Fed. R. App. P. 3(b)(1).

COVER OF BRIEF (Fed. R. App. P. 32(a)(2)):

- ☐ Sixth Circuit case number
- ☐ Heading: "United States Court of Appeals for the Sixth Circuit"
- ☒ Title of case to be corrected
- ☐ Nature of proceeding and name of court, agency or board below
- ☐ Title of brief (example "Appellant's Brief")
- ☐ Name(s) and address(es) of counsel filing the brief

CONTENTS (Fed. R. App. P. 28, 6 Cir. R. 28):

- ☐ Corporate Disclosure Form
- ☐ Table of Contents
- ☐ Table of Authorities with page references (with cases alphabetically arranged, statutes and other authorities)
- ☐ **Statement in support of oral argument** (if there is no statement, argument is waived)
- ☐ ***Page limitation, word or line count begins here. See Fed. R. App. P. 32(a)(7)
- ☐ Jurisdictional statement
- ☐ Statement of issues
- ☐ Statement of the case, setting out the relevant facts and history with references to the record

When referring to a district court record, the citation must include: (1) a brief description of the document; (2) the docket entry number of the document; and (3) the Page ID # range for the relevant pages. See 6 Cir. R. 28 for additional information on how to reference appendices or administrative records in other appeals. Examples:

Motion for Summary Judgment, RE 24, Page ID # 120-145
Transcript, RE 53, Page ID # 675-682
Plea Agreement, R. 44, Page ID # 220-225
A.R., RE 5, Page ID # 190-191, pp. 69-70

- ____ Summary of argument
- ____ Argument **with references to record and citations to case law, statutes and other authorities.** The preferred format is that references and citations appear in the body of the text and not in footnotes.
- ____ Standard of review (for each issue which may appear in discussion of each issue or under separate heading placed before discussion of issues)
- ____ Signed conclusion
 - ____ Signature format is: s/(attorney's name)
 - ____ Graphic or other electronic signatures discouraged
 - ____ *****Page limitation, word or line count ends here**
- ____ A Certificate of Compliance as required by Fed. R. App. P. 32(a)(7)(C)
- ____ Dated Certificate of Service
- ____ **Designation of Relevant District Court Documents with Page ID # range**
- ____ Other Addendum contents allowed by Fed. R. App. P. 28(f) or 6 Cir. R. 28(b).
- ____ Addendum may **not** contain any items from lower court record or appendix.

TYPEFACE AND LENGTH (See Fed. R. App. 32(a)(5) and (a)(7):

- ____ Typeface either proportionally-spaced font at 14 point (such as CG Times or Times New Roman) or monospaced font at 12 point (such as Courier New)

Times New Roman at 14 point Courier New at 12 point

- ____ Length for principal briefs: 30 pages OR up to 14,000 words (proportional fonts) OR up to 1300 lines (monospaced font)
- ____ Length for reply brief: 15 pages OR up to 7,000 words (proportional fonts) OR up to 650 lines (monospaced font)
- ____ Briefs using the 14,000 word or 1300 line limits must include word or line count in certificate of compliance (see Fed. R. App. P. 32(a)(7)(C)).
- ____ Headings, footnote and quotations count toward word or line limitations

- ___ For Death Penalty briefs, see 6 Cir. R. 32(b)(2)
- ___ For Cross-Appeals, see Fed. R. App. P. 28.1
- ___ For Amicus briefs, see Fed. R. App. P. 29 and 32

MISCELLANEOUS:

- ___ Personal information must be redacted from the brief - see Fed. R. App. P. 25(a)(5) for specifics. When filing a brief, the ECF system will require attorneys to verify that personal information has been redacted.
- ___ Footnotes must be same sized text as body of brief.